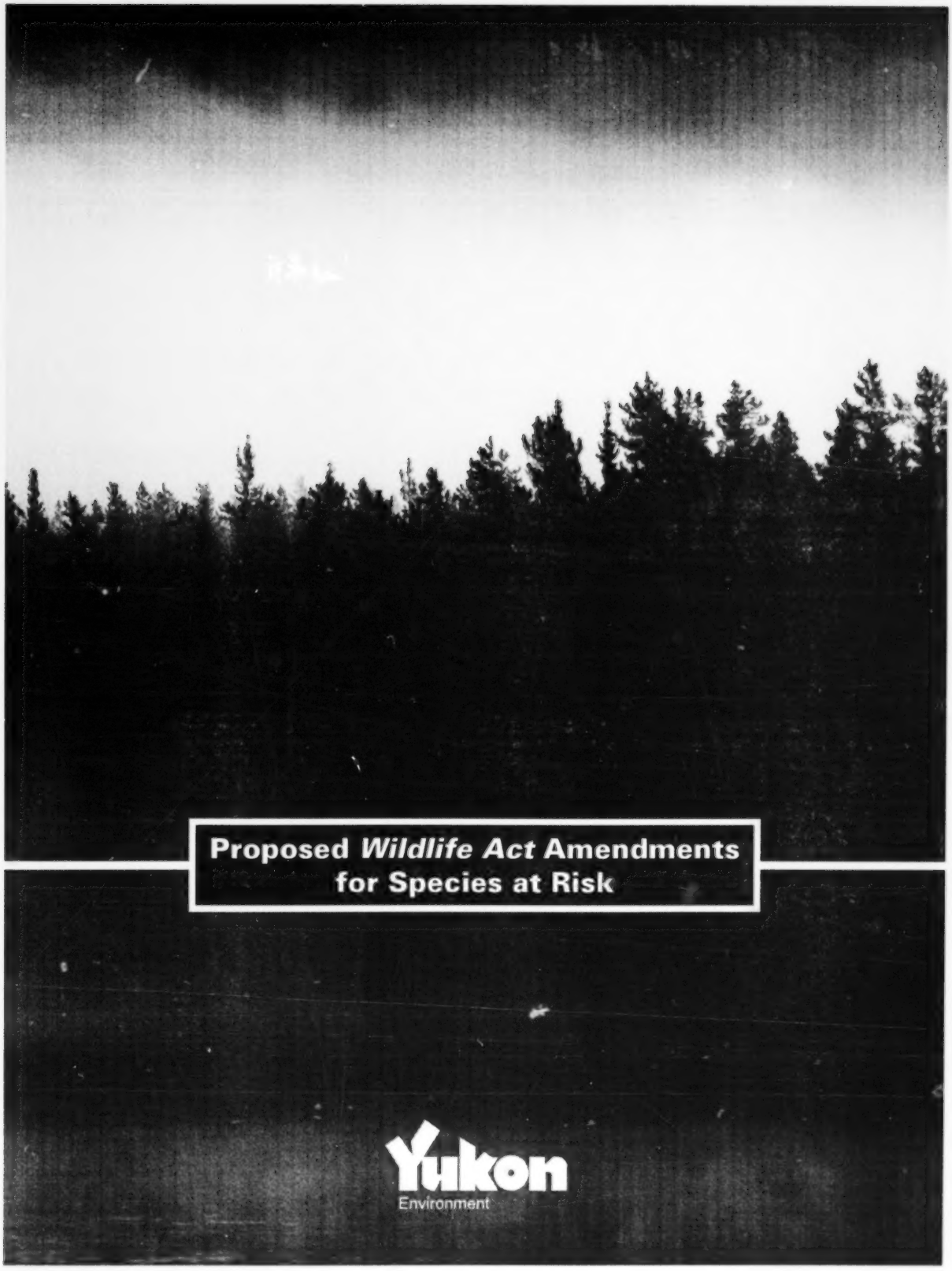


Proposed *Wildlife Act* Amendments for Species at Risk

Yukon
Environment

106-06684/

Proposed *Wildlife Act* Amendments for Species at Risk

Background

The Yukon Government signed the National Accord for the Protection of Species at Risk in 1998. This accord committed the Yukon to enact legislation to provide protection for species at risk, and the proposed amendments to the *Wildlife Act* will allow the Yukon to meet this commitment.

In 2002, extensive public consultation was conducted by the Yukon Government on species at risk legislation. The current proposed amendments to the *Wildlife Act* are in response to those consultations, as well as to federal legislation that has been developed since that time.

In 2003, Canada proclaimed its own *Species at Risk Act (SARA)*. The species at risk program created by this act relies on the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) to do assessments of species considered to be at risk, and to make recommendations to the federal government. The federal Cabinet makes the final decision on whether a species is added to the List of Wildlife Species at Risk.

The attached summary of the proposed amendments to the *Wildlife Act* has been prepared by the Department of Environment. The amendment proposals are not final and may change in response to comments and input received through consultations.

Please provide your comments to:

Policy and Planning (V-2)
Department of Environment
Government of Yukon
P.O. Box 2703
Whitehorse, Yukon Y1A 2C6

For more information or for additional copies of this summary of the proposed amendments, call (867) 667-8681, or email environmentyukon@gov.yk.ca

Copies are also available at www.environmentyukon.gov.yk.ca

Yukon Species at Risk Today

A number of Yukon species have been listed as species at risk by the federal government.

Endangered: ..... Bowhead Whale
Eskimo Curlew (Shore Bird)

Threatened: ..... Wood Bison
Anatum Peregrine Falcon

Special Concern: ..... Woodland Caribou
Tundra Peregrine Falcon
Short Eared Owl
Ivory Gull
Boreal Toad

COSEWIC has also recommended that the federal government add several other Yukon species to the list, including the Grizzly Bear, Polar Bear, and Wolverine.

Although no recovery strategies or management plans have been finished for a listed Yukon species under the federal legislation, there are timelines in place for their completion.

Proposed Amendments

Rationale

The Yukon Government will rely on COSEWIC and the federal government to continue to assess and list species at risk. Our proposed legislation will give us the tools to participate in recovery strategies and management plans once a species is listed.

The existing federal legislation takes precedence over territorial and provincial statutes. Canada can choose to list a species regardless of whether the Territories or Provinces support the designation.

Rather than duplicate the federal assessment and listing process, the Yukon will focus its energy and resources on recovery strategies and management plans for federally listed species. We believe that this is the best way to ensure that Yukoners have the appropriate input into decisions that may impact our wildlife and land.

Definitions

Several existing definitions within the *Wildlife Act* will need to be amended to allow the existing management tools and enforcement powers in the *Act* to be applied to species at risk. New definitions specific to species at risk will need to be added to the *Act*. In most cases, the new definitions will closely mirror definitions in the federal *SARA*. This will allow the Yukon to easily participate in federal planning initiatives, as well as allow Yukon plans to be considered as Canada meets its own obligations.

Significant New or Amended Definitions

"Wild Species" ..... The definition of "wildlife" in the *Yukon Wildlife Act* does not include all species that may be listed as species at risk by the federal government. To allow the government to manage all potential species at risk including plants and invertebrates, a new definition of "wild species" will be added to the act. "Wild species" will include all animals, plants and other organisms other than a bacterium or virus. This definition will only apply to species at risk provisions within the *Wildlife Act*.

"Habitat" ..... The current definition of "habitat" only applies to "wildlife". The definition will be amended to apply to wildlife and "wild species" to allow the existing habitat protection provisions within the *Wildlife Act* to be used to manage species at risk.

"Critical Habitat" ..... The term "critical habitat" will be added to allow the Yukon to meet the federal *SARA* requirement that critical habitat be identified during the development of a recovery strategy. Critical habitat will be defined as the components of the natural environment that are necessary for the survival or recovery of an extirpated, endangered, or threatened species.

"Extirpated Species" ..... An "extirpated species" is a wild species that no longer exists in the wild in the Yukon, but exists elsewhere in the wild.

"Endangered Species" ..... An "endangered species" is a wild species that is facing imminent extirpation or extinction.

"Threatened Species" ..... A "threatened species" is a wild species that is likely to become an endangered species if nothing is done to address the factors leading to its decline.

"Species of Special Concern" ..... A "species of special concern" is a wild species that may become a threatened species or an endangered species.

"Recovery Strategy" ..... A "recovery strategy" will be done for a species that has been listed by Canada as an extirpated, endangered, or threatened species. Recovery strategies must include:

- A description of the species and its needs
- Identification of the threats to the species and its habitat, and the broad strategy to address those threats
- Identification of the critical habitat of the species
- The population and distribution objectives that are required for the recovery of the species
- A general description of the research and management activities needed to meet the objectives of the recovery strategy

"Management Plan" ..... A "management plan" will be done for a species that has been listed by Canada as a species of special concern. Management plans must include:

- Measures for the conservation of the species

Bilateral Agreement with Canada

The Yukon is currently negotiating a bilateral agreement with Canada on species at risk. Although details are not yet finalized, Canada and the Yukon are working towards an agreement based on the following principles:

- Canada will consult with the Yukon Minister of Environment and provide an opportunity for input prior to listing a species.
- Recognition of First Nation's special relationship with the land and the value of Traditional Knowledge in the identification, management and recovery of species at risk.
- Recognition that legal obligations to Consult with First Nations and Inuvialuit, as well as fish and wildlife management boards, councils and committees established under land claim agreements apply to the assessment, listing and management of species at risk.

- First Nations and Inuvialuit that may be affected by a recovery strategy or management plan will be invited to participate in the development of the recovery strategy or management plan.
- Inter-jurisdictional collaboration will prevail in species at risk protection and recovery.
- Species at risk protection and recovery in the Yukon will consider ecological, social and economic interests.
- When a species is listed, Canada and the Yukon will determine roles, responsibilities and funding arrangements for:
  - The development and implementation of recovery strategies and management plans.
  - The issuing of any licenses and permits relating to the species.
  - The enforcement of prohibitions and other measures required for the management of the species.

The Proposed Yukon Process

The proposed amendments will establish a Yukon program for species at risk that is very similar to the federal program established under *SARA*. The federal *Act* imposes obligations upon Canada that will continue regardless of any new Yukon legislation. Rather than set up a separate process, the Yukon Government is proposing to enact complementary legislation that will allow the Yukon to work cooperatively with Canada on the identification and management of species at risk.

Step 1 – Canada Lists Yukon Species

Prior to listing any species, the federal Minister of Environment will consult with the Yukon Minister of Environment and any affected wildlife management boards, councils, or committees and any affected First Nations or Inuvialuit.

Step 2 – Canada and the Yukon Determine Roles and Funding

Each time a Yukon species is listed, representatives from Canada and the Yukon will determine the roles each will play in the development and implementation of the recovery strategy or management plan. Responsibility for enforcement and issuing licenses and permits for the species will be established, and financial arrangements will be determined.

Step 3 – Development of Recovery Strategies and Management Plans

Canada and the Yukon will cooperate in the development of recovery strategies and management plans. Recovery strategies and management plans will be done in Consultation with any affected wildlife management boards, councils or committees and in Consultation with any affected First Nations or Inuvialuit. Other individuals or organizations may also be consulted.

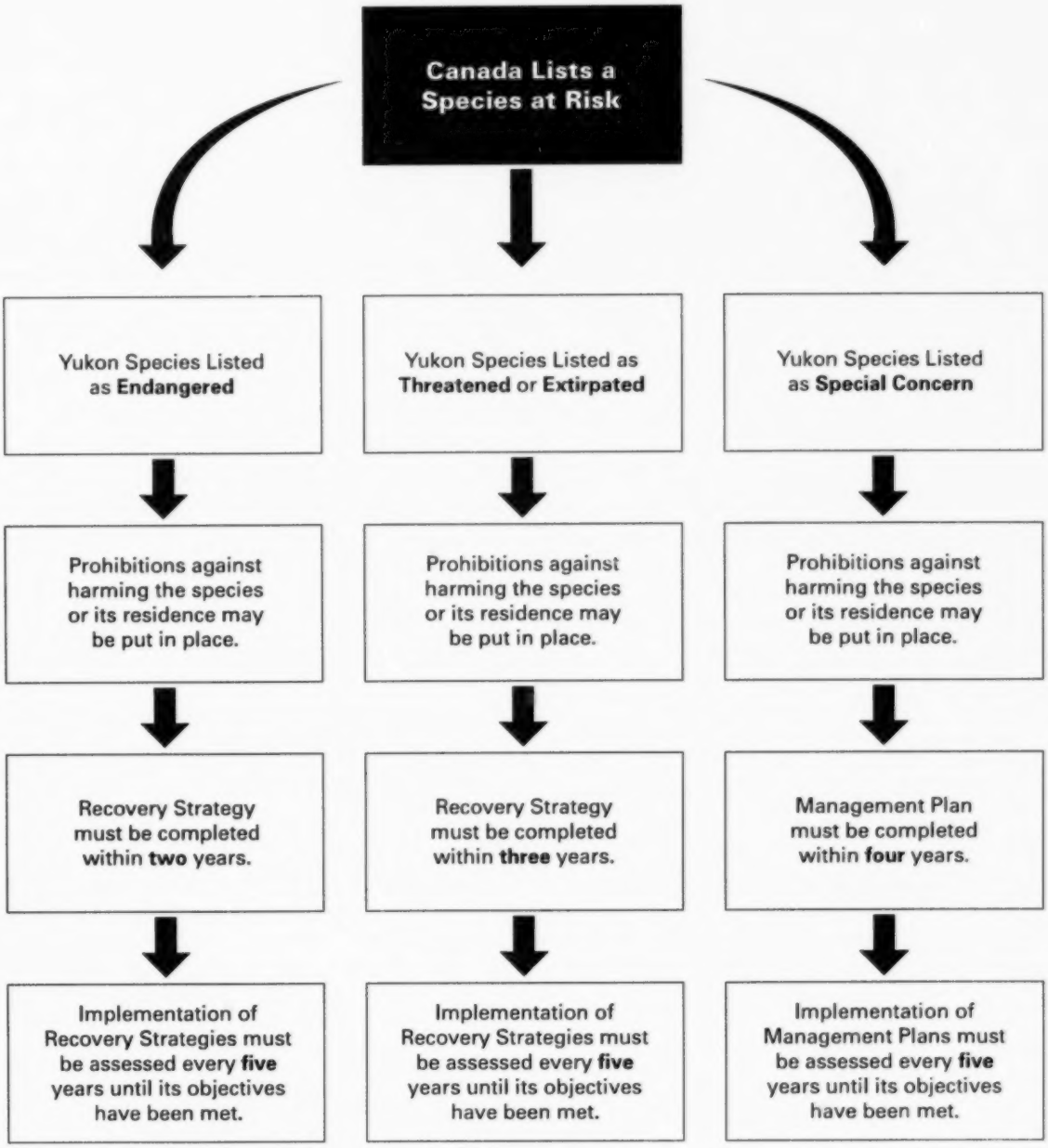
A recovery strategy for an endangered species must be completed within two years, and a recovery strategy for a threatened or extirpated species must be completed within three years. Management plans for a species of special concern must be completed within four years.

Step 4 – Implementation of Recovery Strategies and Management Plans

Prohibitions against harming a listed species or its residences already come into effect automatically under the federal *Act*. The Yukon Cabinet will make the final determination about enacting any prohibitions under the *Yukon Wildlife Act* that may be included in a recovery strategy or management plan. Identification of critical habitat is required in a recovery strategy for an extirpated, endangered or threatened species. Under the *Yukon Wildlife Act*, the final decision on protecting any critical habitat rests with the Yukon Cabinet.

Step 5 – Assessment of Recovery Strategies and Management Plans

The Yukon Minister of Environment must monitor the implementation of the recovery strategies and management plans and must assess the progress of the strategies and plans every five years. Assessments must take place every five years until the objectives of the strategy or plan have been met.


Canada Lists a Species at Risk
Yukon Species Listed as **Endangered**
Yukon Species Listed as **Threatened** or **Extirpated**
Yukon Species Listed as **Special Concern**
Prohibitions against harming the species or its residence may be put in place.
Prohibitions against harming the species or its residence may be put in place.
Prohibitions against harming the species or its residence may be put in place.
Recovery Strategy must be completed within **two** years.
Recovery Strategy must be completed within **three** years.
Management Plan must be completed within **four** years.
Implementation of Recovery Strategies must be assessed every **five** years until its objectives have been met.
Implementation of Recovery Strategies must be assessed every **five** years until its objectives have been met.
Implementation of Management Plans must be assessed every **five** years until its objectives have been met.